

(Ireland.)

A

B I L L,

INTITULED,

AN ACT to amend the Laws relating to the Ecclesiastical Unions and Divisions of Parishes in Ireland.



WHEREAS by an Act passed in the Session of Parliament holden in the seventh and eighth years of his late Majesty King GEORGE the Fourth, intituled, "An Act to consolidate and amend the Laws in force in Ireland for Unions and Divisions of Parishes, and for uniting or disappropriating Parishes or Parts of Parishes, and to make farther Provisions with respect to the erecting Chapels of Ease, and making Perpetual Cures," it is among other things enacted, "That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, with the assent of the major part of his Majesty's Privy Council in council assembled, Six at least consenting, and with the advice and approbation of the Archbishop of the Province and the Bishop of the Diocese, certified under their hands and seals, attested by Two or more credible witnesses subscribing thereunto, to divide old parishes, or to separate any parish or part of a parish heretofore united, in whatever manner such union may have been effected, and to unite parishes one to another, or any part of a parish to another parish, or part of a parish in perpetuity, and to erect such divided or united parishes or parts of parishes into new parishes, with all parochial rights:"

Preamble:

7 & 8 Geo. 4,
c. 45.

And whereas by the said recited Act it is among other things also enacted, "That when Two or more churches or parishes shall be united into One in pursuance of this Act, having formerly had distinct patrons, in such cases the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being and Council as aforesaid, with the advice and approbation of the respective Archbishop and Bishop in whose province and diocese the said churches were situate,

shall divide the patronage by turns among the patrons, giving to each of them a right to present oftener and seldomer, according to the true yearly value of the respective parish or parishes whereof they are patrons, the consent of each patron being first had and entered in the instrument for erecting the said union; and such settlement or settlements as aforesaid shall be final and binding to all patrons, whether ecclesiastical or lay patrons, and to all parties for ever, reserving always unto every Archbishop and Bishop, Registrars and Schoolmasters, their respective dues payable out of every such parish so united: Provided always, That when the King's Majesty, his heirs and successors, is or shall be entitled to the presentation of any of the said parish churches so to be united, he and they shall, from and immediately after such union, upon the first vacancy, have the first presentation of an Incumbent unto such united church, and afterwards, upon the then next vacancy, the other respective patrons severally as the Lord Lieutenant or other Chief Governor or Governors and Council aforesaid, with the advice and approbation aforesaid, shall direct and appoint, regard being had to the respective values of the several parishes so to be united as aforesaid, and so in course respectively in manner aforesaid: "

2 & 3 Vict.
c. 34.

And whereas by an Act passed in the Session of Parliament holden in the eighth and ninth years of the reign of Her present Majesty, intituled, " An Act to amend the Laws in force in Ireland for Unions and Divisions of Parishes, for the Settlement of the Patronage thereof, and the Celebration of Marriages in the same," it is amongst other things enacted, " That where, in pursuance of the said recited Act, or the Act now in recital, Two or more churches or parishes shall be united into One, or where any parish or part of a parish, or parts of parishes, shall be united to any other parish or parishes, or part of a parish or parts of parishes, in every such case it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, with the assent of Her Majesty's Privy Council in Ireland as aforesaid, if he and they shall so think fit, and with the advice and approbation of the Archbishop and the Bishop in whose province and diocese the said churches, parishes, part or parts of a parish or parishes are situate, certified under their hands and archiepiscopal and episcopal seals, and with the consent of each patron or person, or body politic, corporate or collegiate, whose ecclesiastical patronage shall be in anywise affected by the creation of such union, (every such consent to be first had and entered in the instrument for erecting the said union), to make and establish such a settlement or distribution of the patronage of such union, and of the patronage of all unions and parishes from which any parish or parishes, or any part of a parish, or any parts of parishes, have been severed in order to create such union, as in the opinion of such Lord Lieutenant or other

other Chief Governor or Governors and Privy Council as aforesaid the justice of the case shall require; and every such settlement or distribution shall be final and binding to and upon all patrons, whether ecclesiastical or lay patrons, and to and upon all parties for ever, reserving always unto every Archbishop and Bishop, Registrar and Schoolmaster their respective dues payable out of every such parish or part of a parish so united: Provided always, That in every case when the consent of the Queene's Majesty, Her heirs or successors, is to be given to any such settlement or distribution of patronage, or to making any union under this Act, the consent in that behalf of the Lord Lieutenant or other Chief Governor or Governors of Ireland, under his or their hands and seals, shall be to all intents and purposes as good and valid in law as if the consent of Her Majesty, Her heirs or successors, had been therunto signified by Letters Patent under the Great Seal of Ireland :"

And whereas it is expedient that greater facilities should be afforded for the Union and Division of Parishes in the settlement and distribution of the patronage of the parish churches affected by such Unions and Divisions; ~~BE it therefore Enacted~~, by The QUEEN'S most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act so much of the before-recited Acts as relates to or requires the consent of patrons shall be and is hereby repealed.

1.
So much of recited Acts as relates to or requires the consent of Patrons, repealed.

And be it Enacted, That from and after the passing of this Act, when any division or union, divisions or unions, is or are to be effected under the before-recited Acts or either of them, an instrument containing the proposed plan for the division or union, divisions or unions, marked and coloured on a sheet or sheets of the Ordnance Survey of Ireland in which such parish or parishes or part of a parish or parts of parishes are situate, and to be annexed to such instrument, and also for the settlement or distribution of the patronage of all the parishes and unions to be altered or created thereby, and having endorsed upon the same the approbation of the Archbishop or Archbishops entitled to exercise archiepiscopal jurisdiction in the provinces, in which the parishes and unions to be divided or created are situate, and of each and every Archbishop, Bishop, or other person or persons entitled to exercise episcopal jurisdiction, within any portion of the said parishes and unions, as diocessans thereof, certified under their hands as aforesaid, shall be lodged in the Council Office in Dublin Castle, and a copy of the same shall be sent to each of the patrons, persons, bodies politic, corporate or collegiate, whose consent is by the aforesaid Acts or either of them rendered necessary to the effecting of the

2.
Plans of proposed Divisions or Unions of Parishes to be lodged in Privy Council Office, approved by Archbishops, &c., and copies to be served on Patrons; Lord Lieutenant and Council to consider such plans, and the objections of Patrons, and may confirm or alter the proposed plans.

proposed division or union, divisions or unions, and together with
 the same a notice in writing shall be served upon each of the parties
 last aforesaid, calling upon him or them, within Six Weeks after the
 date of the service of the same, to lodge or cause to be lodged in the
 Council Office in Dublin Castle a statement in writing of his or their
 objections, if any he or they have to make, to the said instrument or
 any part thereof, or to the settlement or distribution of patronage
 therein mentioned, or any part thereof; and at the expiration of the
 above period of Six Weeks from the date of the service of the last
 notice so served the Lord Lieutenant or other Chief Governor or
 Governors and Privy Council as aforesaid shall take the matter of such
 instrument, and also the objections which shall have been lodged
 against the same, if any such there be, into their consideration, and
 thereupon it shall be lawful for such Lord Lieutenant or other Chief
 Governor or Governors and Privy Council, if they shall so think fit,
 (Six of the said Privy Council at least consenting, of whom Two at
 least shall be members of the judicial bench in Ireland), to adopt and
 confirm the said instrument, and the union or unions, division or
 divisions, and the settlement or distribution of patronage therein
 made, and to make an order reciting the said instrument as lodged
 in the said Council Office and confirming the same; or if, upon
 consideration of the instrument itself, or of the objections made
 thereto in the manner hereinbefore prescribed, such Lord Lieut-
 enant or other Chief Governor or Governors and Privy Council
 should be of opinion that the same ought be altered in respect
 of any particulars therein contained, then such alteration may be
 made by them, and the instrument so altered shall be returned to
 the Bishop or Bishops, and to the Archbishop or Archbishops by
 whom it was originally approved of as aforesaid; and if the said instru-
 ment so altered be by them sent back to the said Council Office, with
 their approbation endorsed thereon as aforesaid, it shall and may be
 lawful for such Lord Lieutenant or other Chief Governor or Governors
 and Privy Council, if they shall so think fit (as before Six at least con-
 senting) to make an Order in Council reciting the instrument as so
 altered by the Lord Lieutenant or other Chief Governor or Governors
 in Council, and approved of by the Bishop or Bishops, and by the
 Archbishop or Archbishops as aforesaid, and confirming the same;
 and such Order in Council, whether confirming the original instrument
 or the instrument so altered as aforesaid, shall be valid and effectual
 to all intents and purposes whatsoever as if the consent of such patrons
 and persons, and bodies politic, corporate or collegiate as aforesaid,
 had been given and signified thereto in the form and manner prescribed
 in the said recited Acts, or either of them, and the said union or divi-
 sion duly completed thereunder: Provided always, That at the meeting
 of the Privy Council held for the consideration of the said instrument,
 and

and of the objections thereto, it shall be lawful for any of the parties who shall have made such objections, on giving Three Days' notice to the Clerk of the Privy Council, to be heard before such Privy Council by their counsel or agents.

5 AND whereas in the said first-recited Act it was enacted, that it might be lawful for the several Archbishops and Bishops of Ireland, and their successors, within their respective dioceses, to erect or cause to be erected new churches or chapels in convenient places within districts to be respectively formed from contiguous portions of two
10 or more adjoining parishes, as to the said Archbishops and Bishops respectively, and to their successors should seem proper, in manner thereinafter directed : AND whereas the said Act did not provide for the forming of such districts from contiguous portions of adjoining parishes in different dioceses, for which it may in many instances be
15 reasonable and convenient to provide ; BE it therefore Enacted, That it shall and may be lawful for any of the several Archbishops and Bishops of Ireland, and their successors, or other person or persons having episcopal jurisdiction in contiguous dioceses, to erect or cause to be erected new churches or chapels in convenient places within
20 districts to be respectively formed from contiguous portions of two or more adjoining parishes situated in different dioceses contiguous to each other, as to the said Archbishops and Bishops and their successors shall seem proper.

3-
Churches may be erected within Districts to be formed from portions of Parishes in different Dioceses.

And be it Enacted, That the bounds for such districts shall be
25 ascertained by writing under the hands and archiepiscopal and episcopal seals, or hands and episcopal seals, of the Archbishop and Bishop, or of the Bishops concurring in the formation of such districts ; and such writing shall and may set out the bounds of such district, and the several townlands or parts of townlands which shall be com-
30 prised within any such district, and marked and coloured on a sheet or sheets of the Ordnance Survey of Ireland, and annexed to such instrument in like manner as hereinbefore mentioned, and shall be transmitted to the several Incumbents and to the Lord Lieutenant or other Chief Governor or Governors of Ireland in Council for the
35 purposes, and to be dealt with in the manner specified as to the like instruments in writing mentioned and described in the said Act hereinbefore recited in respect to districts formed in the same diocese, and shall be entered in the registry of every diocese in which such newly created districts shall be situated, and shall be enrolled in manner in
40 said Act set forth in respect to the districts therein mentioned, upon payments to be made upon such entry and enrolment as therein respectively mentioned.

4
Bounds of Districts to be notified to Incumbents, and to the Lord Lieutenant in Council.

AND whereas there are united parishes in Ireland, and it may be hereafter expedient on the death or removal of the Incumbents of
472. such

5-
Providing for Exchange of Glebe Lands of Dissolved Parishes.

such united parishes to disunite the same: AND whereas in such united parishes glebe-houses have been or may be built on the glebe-land of some one of the parishes forming such united parishes, pursuant to the provisions of the statute law for that purpose in force in Ireland, and the Incumbents of such united parishes are or may be entitled, under the provisions of the same law, to certain charges or sums of money to be paid to such Incumbents, or their executors or administrators, on the removal or death of such Incumbents, by their successors, or the executors or administrators of such successors: AND whereas in the event of such united parishes being hereafter disunited, the glebe-houses so built would be too large, and very inconvenient for the residence of the Incumbent of any one of the two parishes theretofore forming such united parishes; BE it Enacted, That from and after the passing of this Act it shall and may be lawful for any such Incumbent of any such united parishes, by and with the consent of the Lord Lieutenant or other Chief Governor or Governors of Ireland, and the Privy Council of Ireland, Six at least of said Privy Council assenting, to exchange such glebe on which such glebe-house may have been built, for lands of equal or greater value in each or any one of such disunited parishes, whereof he the said Incumbent may be seised or entitled to, in such manner, with such consents, and under all such rules, restrictions and limitations, and with all such benefits and advantages as in the several Acts relating to the exchange of glebes in Ireland are respectively mentioned: Provided always, That in ascertaining the value of the glebe-land so to be exchanged, such price or value (if any) shall be set upon such glebe-house and other buildings and improvements as the Lord Lieutenant or other Chief Governor or Governors and Privy Council as aforesaid shall deem just and reasonable; and that it shall not be lawful for such Incumbent, his executors or administrators, to have, take or claim of or from any successor, or the executors or administrators of any successor, of such Incumbent, any charge or sum of money to which he, the said Incumbent, or his executors or administrators, might be entitled by the statute law of Ireland in respect of any such glebe-house, building or improvements; and that any certificate granted under the authority of such statute law to such Incumbent shall, from and after such exchange, be utterly null and void.

6.
Provisions of
recited Acts
applicable to
Districts
formed under
this Act.

And be it Enacted, That all the provisions in the said Acts hereinbefore first recited, applicable to districts formed thereunder, shall, as amended by this Act, be applicable to districts to be formed under and by virtue of the provisions of this Act, so far as the same are not inconsistent with the provisions of this Act.

7.
Act may be
amended, &c.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.